

1                                   **RESCUE MEDICATION IN SCHOOLS**

2   2016 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Stephen H. Urquhart**

5                                   House Sponsor: Gage Froerer

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7   **LONG TITLE**

8   **General Description:**

9           This bill provides for a trained public school employee volunteer to administer a seizure  
10 rescue medication under certain conditions.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ defines terms;
- 14           ▶ requires the Department of Health to develop a training program for the  
15 administration of seizure rescue medications by a school employee volunteer;
- 16           ▶ requires a public school to provide training for the administration of a seizure rescue  
17 medication to a school employee who volunteers to receive training;
- 18           ▶ provides for a trained school employee to administer a seizure rescue medication  
19 under certain conditions; and
- 20           ▶ provides certain exemptions from liability.

21 **Money Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**

26 ENACTS:

27           **53A-11-603.5**, Utah Code Annotated 1953

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29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **53A-11-603.5** is enacted to read:

31 **53A-11-603.5. Trained school employee volunteers -- Administration of seizure**  
32 **rescue medication -- Exemptions from liability.**

33 (1) As used in this section:

34 (a) "Prescribing health care professional" means:

35 (i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice  
36 Act;

37 (ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah  
38 Osteopathic Medical Practice Act;

39 (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
40 Practice Act; or

41 (iv) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

42 (b) "Section 504 accommodation plan" means a plan developed pursuant to Section  
43 504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to  
44 an individual with a disability to ensure access to major life activities.

45 (c) "Seizure rescue authorization" means a student's Section 504 accommodation plan  
46 that:

47 (i) certifies that:

48 (A) a prescribing health care professional has prescribed a seizure rescue medication  
49 for the student;

50 (B) the student's parent or legal guardian has previously administered the student's  
51 seizure rescue medication in a nonmedically-supervised setting without a complication; and

52 (C) the student has previously ceased having full body prolonged or convulsive seizure  
53 activity as a result of receiving the seizure rescue medication;

54 (ii) describes the specific seizure rescue medication authorized for the student,  
55 including the indicated dose, and instructions for administration;

56 (iii) requests that the student's public school identify and train school employees who  
57 are willing to volunteer to receive training to administer a seizure rescue medication in

58 accordance with this section; and

59 (iv) authorizes a trained school employee volunteer to administer a seizure rescue  
60 medication in accordance with this section.

61 (d) (i) "Seizure rescue medication" means a medication, prescribed by a prescribing  
62 health care professional, to be administered as described in a student's seizure rescue  
63 authorization, while the student experiences seizure activity.

64 (ii) A seizure rescue medication does not include a medication administered  
65 intravenously or intramuscularly.

66 (e) "Trained school employee volunteer" means an individual who:

67 (i) is an employee of a public school where at least one student has a seizure rescue  
68 authorization;

69 (ii) is at least 18 years old; and

70 (iii) as described in this section:

71 (A) volunteers to receive training in the administration of a seizure rescue medication;

72 (B) completes a training program described in this section;

73 (C) demonstrates competency on an assessment; and

74 (D) completes annual refresher training each year that the individual intends to remain  
75 a trained school employee volunteer.

76 (2) (a) The Department of Health shall, with input from the State Board of Education  
77 and a children's hospital, develop a training program for trained school employee volunteers in  
78 the administration of seizure rescue medications that includes:

79 (i) techniques to recognize symptoms that warrant the administration of a seizure  
80 rescue medication;

81 (ii) standards and procedures for the storage of a seizure rescue medication;

82 (iii) procedures, in addition to administering a seizure rescue medication, in the event  
83 that a student requires administration of the seizure rescue medication, including:

84 (A) calling 911; and

85 (B) contacting the student's parent or legal guardian;

86 (iv) an assessment to determine if an individual is competent to administer a seizure  
87 rescue medication;

88 (v) an annual refresher training component; and

89 (vi) written materials describing the information required under this Subsection (2)(a).

90 (b) A public school shall retain for reference the written materials described in  
91 Subsection (2)(a)(vi).

92 (c) The following individuals may provide the training described in Subsection (2)(a):

93 (i) a school nurse; or

94 (ii) a licensed health care professional.

95 (3) (a) A public school shall, after receiving a seizure rescue authorization:

96 (i) inform school employees of the opportunity to be a school employee volunteer; and

97 (ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who  
98 volunteers, using the training program described in Subsection (2)(a).

99 (b) A public school may not:

100 (i) obstruct the identification or training of a trained school employee volunteer; or

101 (ii) compel a school employee to become a trained school employee volunteer.

102 (4) A trained school employee volunteer may possess or store a prescribed rescue  
103 seizure medication, in accordance with this section.

104 (5) A trained school employee volunteer may administer a seizure rescue medication to  
105 a student with a seizure rescue authorization if:

106 (a) the student is exhibiting a symptom, described on the student's seizure rescue  
107 authorization, that warrants the administration of a seizure rescue medication; and

108 (b) a licensed health care professional is not immediately available to administer the  
109 seizure rescue medication.

110 (6) A trained school employee volunteer who administers a seizure rescue medication  
111 shall direct an individual to call 911 and take other appropriate actions in accordance with the  
112 training described in Subsection (2).

113 (7) A trained school employee volunteer who administers a seizure rescue medication

114 in accordance with this section in good faith is not liable in a civil or criminal action for an act  
115 taken or not taken under this section.

116 (8) Section 53A-11-601 does not apply to the administration of a seizure rescue  
117 medication.

118 (9) Section 53A-11-904 does not apply to the possession of a seizure rescue medication  
119 in accordance with this section.

120 (10) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations  
121 and Professions, do not apply to a person licensed as a health care professional under Title 58,  
122 Occupations and Professions, including a nurse, physician, or pharmacist for, in good faith,  
123 training a nonlicensed school employee who volunteers to administer a seizure rescue  
124 medication in accordance with this section.

125 (b) Allowing a trained school employee volunteer to administer a seizure rescue  
126 medication in accordance with this section does not constitute unlawful or inappropriate  
127 delegation under Title 58, Occupations and Professions.